Sandralyn Bailey

04-140

From: Lor Kutchins W3QA [lor@w3qa.net]
Sent: Monday, November 20, 2006 3:13 PM
To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell
Cc: bandplan@www.arrl.org; William Cross; n3llr@arrl.org; w3tom@arrl.org; Kay Cragie N3KN; wb3fpl@arrl.org
Subject: FCC 06-149 "Omnibus" Amateur Radio Report and Order

Reference:

WT Docket No. 04-140, also known as "FCC Omnibus Amateur Radio Report and Order";

FCC 06-149 (66460 Federal Register / Vol. 71, No. 220 / Wednesday, November 15, 2006 / Rules and Regulations)

Dear Chairman Martin, Commissioner Copps, Commissioner Adelstein, Commissioner Tate, and Commissioner McDowell,

I call your attention to a situation that has specific impact upon many public and private agencies and their ability to communicate in emergencies, and to the individuals of the amateur radio service. I urge your prompt action to correct it.

Among other changes to the FCC rules governing the amateur radio service, the referenced rules change the definitions of "data" emissions permissible for use on the amateur radio bands. In making the change, the FCC has made illegal a handful of popular data transmission protocols that have high importance in emergency communications, and which have served an important role in amateur radio communications. Specifically, it limits the occupied bandwidth of J2D data signals to 500Hz. This makes illegal the J2D emissions of the Pactor 3 protocol (at 2400Hz bandwidth), Olivia, 1200-baud packet, Q15X25, MT63 and Clover 2000.

The impact is horrific. One example, the Pactor 3 protocol currently carries more radio email volume than all other means of data transmission in all of amateur radio, combined. It is supported by the Winlink 2000 system which has provided essential communications in countless disasters, finding missing and distressed vessels at sea for the US Coast Guard, and daily communications of weather and safety information for over 8,000 vessels at sea. Amateur radio operators use the Pactor 3 protocol and Winlink to provide radio email, the last-option solution to emergency communications, and are directly supported by emergency management agencies across the nation. Their investments in Pactor 3 equipment are made worthless.

Regarding Winlink and Pactor 3, one can only imagine the tragic consequences of learning the valuable lessons of Katrina only to eliminate the very system and resource values cited in the report ("A Failure of Initiative", http://katrina.house.gov) that contributed to saving lives. A mass casualty event that would follow without this capability would be difficult to explain in the next congressional investigation.

I personally rely on Pactor 3 and Winlink to supply communications as a volunteer for the International Health Service. It provides clinics across remote regions of Honduras, provides healthcare to thousands of indigenous people and regularly saves lives. Radio email using Pactor 3 is the main means of communications for logistics and medical consultations among twelve remote teams and stateside medical resources. If US gateway stations are limited by this FCC action, this means of efficient communications will be lost to us, with unthinkable impact.

Further, the FCC action contradicts the basis and purpose of the Amateur Radio Service. The ability of the Service to support several principles given for its existence in FCC part 97 are directly limited. Specifically, the ability to provide emergency communications, contribute to the advancement of the radio art, and provide advancing skills in both the communications and technical phases of the art are attacked and lessened significantly. Most of today's technical achievements are digital in nature.

(See FCC Part 97.1(a), (b) and (c)).

Mr. William Cross of the FCC Wireless Telecommunications Bureau admits that J2D was added to a list of emissions with the 500 Hz restriction by an "inadvertent error." This was supposed to be an attempt to redefine IMAGE emissions from analog to digital, but by "redefining data" they made the error and "inadvertently included J2D." Nothing was accomplished in an attempt to make a change before the Report and Order was officially published. There has been no word of any timeframe for a correction.

With all urgency, please press for an immediate correction. The regulations take effect on December 15th of this year. Delays will severely affect our public safety and the welfare of many private citizens.

Thank you.

Loring Kutchins
Amateur Radio Station W3QA

CC: Senator Arlen Specter
Senator Rick Santorum
Congressman Jim Gerlach

Background:

Prior to issuance of the final Report and Order (R&O), the FCC stated in the preliminary R&O that all currently authorized data modes would be permitted.
FCC-06-149, page 12, paragraph 19 (adopted October 4, 2006, released October 10, 2006) states: "ARRL also requests that we not impose a 500 Hz bandwidth limitation in the definition of data emissions, arguing that this limitation would have unintended consequences because the limitation also applies to amateur service bands in which a higher symbol rate or bandwidth is permitted.[87] We understand ARRL's concern, but we note that eliminating or relaxing the bandwidth limitation would de facto eliminate the separation of narrow bandwidth and wide bandwidth emissions.[88] We believe that separation of emission types by bandwidth is accepted in the amateur service as a reasonable means to minimize interference on shared frequencies and bands [89] and, therefore, we will not replace the 500 Hz bandwidth limitation with a 3 kHz bandwidth limitation. To accommodate the concern raised by ARRL, however, we will revise our rules to clarify that the 500 Hz limitation applies only to the emission types we are adding to the definition of data when transmitted on amateur service frequencies below 30 MHz. By amending the rule in this manner, the 500 bandwidth limitation will not apply to other data emission types or amateur service bands in which a higher symbol rate or bandwidth currently is permitted.[90] " (Emphasis
added)

When the R&O was published in the Federal Register, this critical language had mysteriously disappeared. The impacts of this omission affect not only hundreds of amateurs who have purchased now unusable modems (at a cost exceeding $1,000.00 each) from their own pockets, but also hundreds of government and non-government organizations who have designed critical Emergency Management Communications (EMCOMM) Plans around the use of these modems.

The published R&O limits data and image transmissions to a 500 Hz bandwidth, which drastically limits the data rates that can be supported. That, in turn, requires a transmission to be many times longer to pass the same information - thus occupying a frequency for a much longer time, and preventing other messages from being passed. The modems / protocols that are impacted by the omission are also narrowband, as they use only a portion of a single voice channel (2.8 kHz or 3.0 kHz). In the widest case, they occupy a 2400 Hz (2.4 kHz) bandwidth.

Essentially, amateur radio is being denied the ability to advance the state of a vital portion of the radio art and the ability to perform vital emergency and/or disaster communications. Both of these are critical reasons (see Part 97, FCC Rules) for the establishment of the service. The availability of a modem designed by an amateur radio operator that provides near MIL-STD-188-110A performance for less than $1100.00 (versus about $20,000 for the MIL-STD modem) is a testament to the ability of amateur radio

operators to advance the state of the art. The number of amateur radio operators who have responded to every disaster since the establishment of the service is a testament to the viability of the resource. The fact that amateur radio operators have shown the ability to establish and maintain functioning communications when the commercial services fail is a testament to the training, skills, and experience of the operators.

There is no technical reason that justifies the 500 Hz limitation. There are a multitude of technical reasons that the limit for at least some forms of HF data should be the width of a single voice channel. There is a clear moral reason (i.e., do what you clearly said that you would do) why the original language should be restored.

04-140

Sandralyn Bailey

From: Ken Mitchell [kmitchell@houston.oilfield.slb.com]
Sent: Tuesday, November 21, 2006 10:52 AM
To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell
Cc: William Cross
Subject: COMMENTS ON "OMNIBUS REPORT AND ORDER" AFFECTING FCC PART 97

Request for immediate action:

The Federal Communications Commission recently released the Report and Order (R&O) in the so-called "Omnibus" Amateur Radio proceeding, WT Docket 04-140 (FCC 06-149) to the public through the Federal Register. There were revisions to the original FCC WT Docket published in the Federal Register that will take effect Friday, December 15, at 12:01 AM EST, 30 days after its publication. There are some serious negative impacts upon Emergency Communications capabilities caused by difference between adopted Report and Order and the Report and Order as published in the Federal Register.

One can only imagine the tragic consequences of learning the valuable lessons of Katrina only to eliminate the very communications capabilities cited in the report that contributed to saving lives. A mass casualty event without this capability would be difficult to explain in the next Congressional Investigation.

As an Emergency Coordinator for Harris County, Texas and one who was personally involved in supporting the evacuees from the disaster areas of both Katrina and Rita during the 2005 hurricane season, it disturbs me that the very tools we used to assist in time of human need are being eliminated from our resources due to perhaps a technicality. I am sure that, with your assistance, this small technicality can be averted.

Background

Prior to issuance of the final Report and Order (R&O), the FCC stated in the preliminary R&O that all currently authorized data modes would be permitted. FCC-06-149, page 12, paragraph 19 (adopted October 4, 2006, released October 10, 2006) states: "ARRL also requests that we not impose a 500 Hz bandwidth limitation in the definition of data emissions, arguing that this limitation would have unintended consequences because the limitation also applies to amateur service bands in which a higher symbol rate or bandwidth is permitted. We understand ARRL's concern, but we note that eliminating or relaxing the bandwidth limitation would de facto eliminate the separation of narrow bandwidth and wide bandwidth emissions. We believe that separation of emission types by bandwidth is accepted in the amateur service as a reasonable means to minimize interference on shared frequencies and bands and, therefore, we will not replace the 500 Hz bandwidth limitation with a 3 kHz bandwidth limitation. To accommodate the concern raised by ARRL, however, we will revise our rules to clarify that the 500 Hz limitation applies only to the emission types we are adding to the definition of data when transmitted on amateur service frequencies below 30 MHz. By amending the rule in this manner, the 500 bandwidth limitation will not apply to other data emission types or amateur service bands in which a higher symbol rate or bandwidth currently is permitted."

When the R&O was published in the Federal Register, this critical language had mysteriously disappeared. The impact of this omission affect not only hundreds of amateurs who have purchased now unusable modems (at a cost exceeding $1,000.00 each) from their own pockets, but also hundreds of government and non-government organizations who have designed critical Emergency Management Communications (EMCOMM) plans around the use of these modems.

High Frequency (HF) radio is a vital EMCOMM resource. Teams of Amateur Radio operators were sent from South Texas into damage areas immediately after both storms, Katrina and Rita, to assist with communications where land based communicants had been devastated. Many times Amateur Radio is used as the last resort for communications for local and state communications when all else fails. To recall one incidence an Amateur Radio station was used in Louisiana (Katrina) to establish contact between Slidel Office of Homeland Security and Emergency Management and Baton Rouge using modern communications tools for digital messaging. During the aftermath of hurricane Rita these same communications tools

were used to establish communications between feeding stations and supply locations to provide timely delivery of needed food, water and other necessary life sustaining goods.

The published R&O limit data and image transmissions to a 500 Hz bandwidth, which drastically limits the data rates that can be supported. That, in turn, requires a transmission to be many times longer to pass the same information - thus occupying a frequency for a much longer time and preventing other messages from being passed. Less efficient and timely use of the radio spectrum by eliminating known modern communications tools can be considered a misuse of the precious radio spectrum, the very essence of what the FCC is to guard against. The modems / protocols that are impacted by the omission are also narrowband, as they use only a portion of a single voice channel (2.8 kHz or 3.0 kHz). In the widest case, they occupy a 2400 Hz (2.4 kHz) bandwidth.

Essentially, amateur radio is being denied the ability to advance the state of a vital portion of the radio art and the ability to perform vital emergency and/or disaster communications. Both of these are critical reasons (see Part 97, FCC Rules) for the establishment of the service. The number of amateur radio operators who have responded to every disaster since the establishment of the service is a testament to the viability of the resource. The fact that amateur radio operators have shown the ability to establish and maintain functioning communications when vital infrastructure has been destroyed or rendered non-operational is a testament to the training, skills, and experience of these operators.

I haven't discussed the technical aspects of this ruling but there is no technical reason that justifies the 500 Hz limitation. There are multitudes of technical reasons that the limit for at least some forms of HF data should be the width of a single voice channel. There is a clear moral reason (i.e., do what you clearly said that you would do) why the original language should be restored.

Failure to promptly correct this error will result in an immediate degrading of the United States' Amateur Radio service's ability to efficiently provide long distance, high speed, data communications during incidents and disasters; was one of the best practices cited by many Hurricane Katrina response reviews. If not corrected before December 15, the U.S. will be the only country prohibiting the use of the most efficient, long distance, high speed, data emission modes by licensed US Amateur Radio service operators.

I encourage you to act promptly to correct this inadvertent error before the new rules come into effect. Thank you.

73,
Ken Mitchell, KD2KW

Schlumberger Information Solutions - a Schlumberger Company - http://www.slb.com

Ken Mitchell
kmitchell@slb.com

Systems Engineer
Remedy Skilled Professional

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Tel : +1-713/513 2000, Direct

Fax: +1-713/513 3006 (Primary)
Fax: +1-713/513 3007 (Secondary)

04-140

Sandralyn Bailey

From: wayne nelson [n0zoa@comcast.net]
Sent: Monday, December 18, 2006 3:54 PM
To: KJMWEB
Subject: Comments to the Chairman

wayne nelson (n0zoa@comcast.net) writes:

when will the the HF frequencies become available for no-code techs to be able to use legaly. is it imediate change or do i have to wait until it goes into the register

---

Server protocol: HTTP/1.1
Remote host: 192.104.54.5
Remote IP address: 192.104.54.5

04-140

Sandralyn Bailey

From: Steve Schroder [ki0ky@arrl.net]
Sent: Thursday, November 16, 2006 8:45 PM
To: Michael Copps
Subject: (no subject)

Commissioner Coops,

I am writing to express my concerns about the effect that the FCC's Omnibus Amateur Radio R&O (WT docket 04-140(FCC 06-149)) will have on the ability of the Amateur Radio Service to provide improved emergency communications service. The just published R&O eliminates the use of J2D emissions with a bandwidth greater than 500 Hz. This restriction eliminates the use of a mode called Pactor III. Pactor III is finding use as an important tool in emergency communications. It is used in a system called Winlink2000 to send Emails from amateur radio stations.
For example, today I used Pactor III to send exercise email messages from a County Health Department flu vaccine clinic to the State Health Department. The flu shot clinic was being used as an practice exercise for a Pandemic Vaccine Clinic scenario. Part of the exercise was the simulation that all conventional phone services were out of action.

After December 15, this emergency communication tool will be lost.
Please modify the R&O to retain this capability.

Sincerely,

Steve Schroder

Amateur Radio License KI0KY

Emergency Coordinator for District 25, Colorado Section, Amateur Radio Emergency Service

04-140

Sandralyn Bailey

From: Mail [wkuechle@midsouth.rr.com]
Sent: Sunday, November 19, 2006 2:06 PM
To: Michael Copps
Subject: FCC Omnibus R&O, Amateur radio rule changes.

In the recent November 15, 2006, Federal Communications Commission Report and Order they have placed a limitation on digital communications bandwidth. Specifically the J2D data limitation to 500 cycles bandwidth will eliminate Pactor 3, as well as other developed data communications methods, for use by Amateur Radio operators. Pactor 3 is used widely by the Amateur Radio community for emergency communications. Pactor 2, which does meet the new FCC regulations, is 4-5 times slower than Pactor 3.

The Winlink system is a major emergency communications system that provides the end user in the field, with email capability. This includes attachments. This system has also been mentioned in the congressional record as a result of it's use during Katrina. The Winlink system prefers to use Pactor 3 because of the speed advantage. This allows them to handle more messages or larger attachments. AN example is that the Central Earthquake research Institute, located in Memphis TN, needs to send shake maps to the TN EMA in Nashville. Shake maps are about 170K in size. This will take about 6.5 min for Pactor to send and 30+ min to send using Pactor 2.

The other Area of concern is that the FCC has eliminated the Automatically Controlled Data station sub-band on 80M (3.5Khz-4.0Khz). 80m is the most useful band for area
(100mi- 500mi) communications at
night due to the nature of HF (High Frequency) propagation. The next available band from data communications is 40M (7.0Mhz - 7.3Mhz). This band is subject to interference from legal broadcasters in Europe and Asia. Is opens up for long range (500mi - 2000mi) communications at night. At the present time the 60M Amateur Radio allocations are not open for data communications.

As the Report and Order, as published in the Congressional Record on November 15, 2006, will be effective on December 15, 2006 the matter needs the attention of everyone concerned with the security and safety of the country. AS Katrina showed any communications system can be rendered inoperable when most needed. Amateur Radio is the only service that has the flexibility to maintain communications for both local (5-50 mi) as well as regional.

William A. Kuechler
Amateur Radio Call N9ACQ
Secretary Shelby County Amateur radio Emergency Service Katrina responder

Sandralyn Bailey

From: KG6CSL@Winlink.org
Sent: Sunday, November 26, 2006 8:11 AM
To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortate@fcc.gov; Robert McDowell
Subject: Regarding FCC Order FCC 06-149

Dear Honorable Senators and Members of the FCC:

We, the long-range boating community, are outraged and worried to hear about the upcoming FCC Order FCC 06-149 with rules regarding the loss of Pactor 3 (J2D) transmissions on our SSB radio frequencies and Winlink. We use our Ham radio daily for both mail and critical weather information to keep us safe in our ocean passages and anchorages. For instance, we have just waited out an unexpected gale in the Western Caribbean. Without proper weather data forecasting from our radio transmissions, we would not have been as safe. Many of us live full time on our boats (often our only homes) and rely on J2D communications to assure our safety.

Pactor 3 technology allows us to transmit and receive data as a much faster rate than available with the much slower Pactor 2 and previous technology. This speed allows us who are very limited by power and propagation considerations to receive the large file data propagated from the National Weather Service and other providers. This data would be difficult to access using only the slower rates as proposed by the rules to be effected December 15, 2006.

I do not know the specific reasons why the sudden rule changes, but I feel that they have not been well thought over and have specifically not considered our safety and welfare issues.

Please re-inspect the proposed FCC 06-149 Order and re-think the logic of those decisions. We really depend on Pactor 3 service and expect that it should continue for all Ham users.

Respectfully submitted,

H. J. Holshuh - kg6csl
Susan Leverton
s/v SIPAPU
CG doc # 1037629

Currently at anchor in the Eastern Holandes, Comarca de Kuna Yala, San Blas, Panama

Sandralyn Bailey

04-140

From: Tom Lafleur [lafleur@lafleur.us]
Sent: Wednesday, November 22, 2006 6:22 PM
To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell
Cc: bandplan@www.arrl.org; William Cross; w3kd@aol.com
Subject: FCC 06-149 "Omnibus" Amateur Radio Report and Order

Attachments: Bilbray_112206.doc

Bilbray_112206.doc
(36 KB)

Dear Chairman Martin, Commissioner Copps, Commissioner Adelstein, Commissioner Tate, and Commissioner McDowell

Reference:

WT Docket No. 04-140, also known as "FCC Omnibus Amateur Radio Report and Order";

FCC 06-149 (66460 Federal Register / Vol. 71, No. 220 / Wednesday, November 15, 2006 / Rules and Regulations)

I call your attention to a situation that has specific impact upon many public and private agencies and their ability to communicate in emergencies, and to the individuals of the amateur radio service. I urge your prompt action to correct it.

In an attempt to expand one mode of operation, Single Sideband (voice), the FCC "inadvertently" eliminated Part 97.221 which allows operations under "local or remote control," 97.221 c(2), which includes Winlink 2000 operations on 80 meters, which is a frequency used to transmit from zero to 1,000 miles. This will have a devastating impact on the ability of this system to function, anywhere and at anytime, within the United States.

More importantly, in an attempt to change the definition of "image" or "FAX," they "inadvertently redefined data to include J2D," which has nothing to do with their intent, and as a result, killed any and all of the advanced modes of operation for digital communications developed over the last 10 years. This, of course, included Winlink 2000 and the Pactor 3 protocol as well as many other protocals.

The results of these "inadvertent errors" are horrific, and will have a major negative impact toward the safety and well-being of over 11,000 daily users of the Winlink system, including the government and civil agencies who depend on Winlink 2000 for last resort emergency communications.

The enclosed letter was sent to Congressman Bilbray, Senators, Feinstein and Boxer for their support in resolving this issue.

CC: William Cross, FCC, Chris Imlay, Council for ARRL

Tom Lafleur, KA6IQA
Winlink Development Team
(858) 759-9692
(858) 759-9693 fax
lafleur@lafleur.us

Sandralyn Bailey

04-140

From: Jack Herrmann [kd6mrf@earthlink.net]
Sent: Saturday, December 16, 2006 4:04 PM
To: KJMWEB
Subject: morse code letter

Hello Mr. Martin,

This letter came to me via many addresses. Makes me a little apprehensive about my using the HF bands with my Tech license.

I didn't realize there was so much hate for other Hams. This is just the tip of what I think will happen to ham radio.

I am very grateful for the changes the FCC has made, been waiting a long time for this. These new rules should help the Amateur Radio. I have a spot picked out for an HF antenna and should have it up by the time the new laws come into affect.

Jack

==========

******BALLZ! it was only a matter of time, they might just as well change the name to Citizens band from that date forward******

Subject: The End of Amateur Radio, As WE Know It

End of an Era: FCC to Drop Morse Testing for *All* Amateur License Classes

NEWINGTON, CT, Dec 15, 2006 -- In an historic move, the FCC has acted to drop the Morse code requirement for *all* Amateur Radio license classes. The Commission today adopted a *Report and Order* (*R&O*) in WT Docket 05-235. In a break from typical practice, the FCC only issued a public notice at or about the close of business and not the actual *Report & Order*, so some details -- including the effective date of the *R&O* -- remain uncertain. Also today, the FCC also adopted an *Order on Reconsideration*, in WT Docket 04-140 -- the "omnibus" proceeding -- agreeing to modify the Amateur Radio rules in response to an ARRL request to accommodate automatically controlled narrowband digital stations on 80 meters in the wake of rule changes that became effective today at 12:01 AM Eastern Time. The Commission said it will carve out the 3585 to 3600 kHz frequency segment for such operations. Prior to the long-awaited action on the Morse code issue, Amateur Radio applicants for General and higher class licenses had to pass a 5 WPM Morse code test to operate on HF. The Commission said today's *R&O* eliminates that requirement for General and Amateur Extra applicants.

"This change eliminates an unnecessary regulatory burden that may discourage current Amateur Radio operators from advancing their skills and participating more fully in the benefits of Amateur Radio," the FCC said. The ARRL had asked the FCC to retain the 5 WPM for Amateur Extra class applicants only. The FCC proposed earlier to drop the requirement across the board, however, and it held to that decision in today's *R&O*.

Perhaps more important, the FCC's action in WT Docket 05-235 appears to put all Technician licensees on an equal footing: Once the *R&O* goes into effect, holders of Technician class licenses will have equivalent HF privileges, whether or not they've passed the 5 WPM Element 1 Morse examination. The FCC said the *R&O* in the Morse code docket would eliminate a disparity in the operating privileges for the Technician and Technician Plus class licensees. Technician licensees without Element 1 credit (ie, Tech Plus licensees) currently have operating privileges on all amateur frequencies above 30 MHz.

"With today's elimination of the Morse code exam requirements, the FCC concluded that the disparity between the operating privileges of Technician Class licensees and Technician Plus Class licensees should not be retained," the FCC said in its public notice. "Therefore, the FCC, in today's action, afforded Technician and

Technician Plus licensees identical operating privileges."

The wholesale elimination of a Morse code requirement for all license classes ends a longstanding national and international regulatory tradition in the requirements to gain access to Amateur Radio frequencies below 30 MHz. The first no-code license in the US was the Technician ticket, instituted in 1991. The question of whether or not to drop the Morse requirement altogether has been the subject of often-heated debate over the past several years, but the handwriting has been on the wall. A number of countries, including Canada, no longer require applicants for an Amateur Radio license to pass a Morse code test to gain HF operating privileges. The list has been increasing regularly.

The FCC said today's *R&O* in WT Docket 05-235 comports with revisions to the international *Radio Regulations* resulting from the International Telecommunication Union (ITU) World Radiocommunication Conference 2003 (WRC-03). At that gathering, delegates agreed to authorize each country to determine whether or not to require that applicants demonstrate Morse code proficiency in order to qualify for an Amateur Radio license with privileges on frequencies below 30 MHz.

Typically, the effective date of an FCC Order is 30 days after it appears in the *Federal Register*. That would mean the Morse requirement and the revised 80-meter segment for automatically controlled digital stations would likely not go into effect until late January 2007.

The ARRL will provide any additional information on these important Part 97 rule revisions as it becomes available.

73's and Clear Skies
Jack Herrmann kd6mrf@earthlink.net
http://home.earthlink.net/~kd6mrf
TAKE A LOOK AT MY ASTRONOMY PAGE AT HARMAN MYSTERIES
http://www.harmanmysteries.com
http://home.earthlink.net/~kd6mrf/certifiedhomeinspection/

FILED/ACCEPTED

JAN - 9 2006

Federal Communications Commission
Office of the Secretary

04-140

Sandralyn Bailey

From: A2E0KCK@aol.com

Sent: Saturday, December 16, 2006 12:36 PM

To: FCCHAM

Cc: FOIA; Webmaster; Campaignlaw; KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell

Subject: Re: Amateur Radio

CONGRATULATIONS!!

And about time http://www.qrz.com/ib-bin/ikonboard.cgi?s=2e60a1e20b5d7e51c019ce35d7b5a668;act=ST;f=7;t=140516;st=0

Merry Christmas,

es 73

Mr Chapman

No. of Copies rec'd 0
List ABCDE

Sandralyn Bailey

FILED/ACCEPTED 04-140

JAN – 9 2006

Federal Communications Commission
Office of the Secretary

From: Carol Warnock [ka8lhi@charter.net]
Sent: Sunday, December 17, 2006 5:49 PM
To: KJMWEB
Subject: Thank You!!

Dear Mr. Martin, I would like ,to congratulate you and the other commissioners on a speedy and splended job on amateur restructuring. Keep up the good work. Your efforts are appreciated by the Amateur Radio communittee.
Merry Christmas and Happy New Year from the Warnocks
Tom WB8WIV, Carol KA8LHI, Bev K8BEV and the rest of the family.

No. of Copies rec'd 0
List ABCDE

Sandralyn Bailey

04-140

From: Rick Kerr [k8ctt@sbcglobal.net]
Sent: Saturday, December 16, 2006 11:36 AM
To: KJMWEB; William Cross
Subject: WT Docket Nos. 04-140 and 05-235

Chairman:

I find that this statement in the recent press release to the WT Docket Nos. 04-140 and 05-235, very interesting.

"This change reflects revisions to international radio regulations made at the International Telecommunication Union's 2003 World Radio Conference (WRC-03), which authorized each country to determine whether to require that individuals demonstrate Morse code proficiency in order to qualify for an amateur radio license with transmitting privileges on frequencies below 30 MHz. This change eliminates an unnecessary regulatory burden that may discourage current amateur radio operators from advancing their skills and participating more fully in the benefits of amateur radio."

It appears that we are lowering our standards to the ITU's .

Quote from K3NY:

"With this philosophy, why don't they drop any and all examination requirements? This would remove the burden completely!"

I agree. The only benefits that I see, in the long term of this decision, are increased profits to equipment manufacturers and a surge in membership at the ARRL. I would liken this to the elimination of the the liberal arts requirements of most bachelor degrees offered at most of our colleges and universities. Most college graduates would probably agree that many of their required courses like calculus are a huge burden to under graduates seeking a degree in business world, but, in the end, the basic lesson of how variables interact, becomes a foundation of many business decisions in the real world. Elimination of the calculus requirement would, in the end, result in less qualified people in those degrees that require it, but in numbers, more MBA's and engineers. What benefit is there in this?

Richard E. Kerr, Jr.
K8CTT

Sandralyn Bailey

04-140

From: Chuck KA0WFI [chuck@brewventure.com]
Sent: Monday, November 20, 2006 3:21 PM
To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell
Subject: FCC "Omnibus" Amateur Radio R&O published in Federal Register
Attachments: "AVG certification"

Gentlemen:

Please direct you attention and your subsequent corrective action to the subject "Omnibus Report and Order". The **discrepancy** between the preliminary R&O and the R&O **as published** is a disaster that has already occured. It is obvious that all parties affected, Commissioners as well as individual Amateurs, must take all possible actions to correct this error.

It is immaterial whether this change occcured by clerical error, by lack of technical expertise, or by the covert activities of a small group of Luddites that call themselves Amateurs. If this R&O is allowed to stand as published, the consequences will fatally impact technical innovation that provides greatly needed HF digital emergency communications in the most efficient manner.

It is requested that you exert your authority to revert the published order to the original intent stated by the FCC in its preliminary version of the R&O. That intent was expressed as follows:

"To accomodate the concern raised by ARRL, however, we will revise our rules to clarify that the 500 Hz limitation applies only to the emission types we are adding to the definition of data when transmitted on amateur serice frequencies below 30 MHz. By amending the rule in this manner, the 500 bandwidth limitation will not apply to other data emission types or amateur service bands in which a higher symbol rate or bandwidth currently is permitted."

No similar language was included in the final Order as published in the Federal Register.

Amateur Radio Operators, as well as the affected public-at-large, will follow your actions with interest.

Sincerely,

Chuck Keiper KA0WFI
Lummi Island, WA

Sandralyn Bailey

04-140

From: AylwardJim@aol.com

Sent: Monday, November 20, 2006 11:34 AM

To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell

Subject: FCC Omnibus R&O, Amatuer radio rule changes

Commissioner:

These changes areet to go into effect December 15th, 2006, and can have serious detrimental consequences for amateur radio operators providing disaster relief emergency communications.

The changes in bandwidth and symbols will preclude U.S. amateurs from being able to use Pactor 3, Clover, or similar digital modes and will be a major setback to emergency communications support.

WinLink 2000 using Pactor 3 on HF, as an example, is the single success story for served agencies in quite some time. A correction to the rule change is essential to ensure tha Pactor 3 and similar modes are not removed from the U.S. amateurs tool box. You can learn more about WinLink 2000 at www.winlink.org.

The critical utility of WinLink 2000 in post-Katrina relief efforts received much recognition and the Military Affiliate Radio System (MARS) has adopted WinLink 2000 for its data communications on HF.

Please ensure this so-called more than 500 KHZ, "oversight", does not become a matter of law. Please take the immediate necessary steps to ensure Pactor 3 and other such advances in amateur radio continue to be a front runner in EmComm and homeland security support.

Thank you.

James Aylward, KC8PD

04-140

Sandralyn Bailey

From: David Giuliani [David@Giuliani.org]

Sent: Sunday, November 19, 2006 4:46 PM

To: KJMWEB; Michael Copps; Jonathan Adelstein; dtaylortateweb; Robert McDowell

Cc: Steve Waterman-K4CJX

Subject: Please Fix FCC "Omnibus" Amateur Radio Report and Order dated 11/15/06

We ham radio operators urgently request your intervention to fix an inadvertent error made by the FCC that prevents use of PACTOR 3. We need this fixed before the effective date of 12/15.

PACTOR 3 is an important part of the Winlink 2000 system, which is the ham radio digital communications system designed to work during Katrina scale disasters. Tens of thousands of hams use and maintain this system. Many county and state agencies have spent monies for their ham radio volunteers for Winlink 2000 and PACTOR 3. This system is used by over 8,000 vessels at sea.

The FCC restriction preventing PACTOR 3 was an "inadvertent error" according to Bill Cross of the FCC. However, the FCC is not showing a willingness to change the order before its implementation date, 12/15.

So, please instruct the FCC to fix it now.

Sincerely, David Giuliani
WA6PXX
Mercer Island, Washington

04-140

Sandralyn Bailey

From: Paul Plasters [wa9ffl@yahoo.com]
Sent: Tuesday, November 21, 2006 2:17 PM
To: Jonathan Adelstein; KJMWEB; Robert McDowell
Cc: Michael Copps; David E Black MD; William Cross; dtaylortateweb
Subject: FCC 06-149 "Omnibus" Amateur radio "R + O".

From: Paul Plasters K9PEP
Sent: Wednesday, November 22, 2006
To: 'Jonathan.Adelstein@fcc.gov'; 'dtaylortateweb@fcc.gov'; 'Robert.McDowell@fcc.gov'
Cc: 'bandplan@www.arrl.org'; 'william.cross@fcc.gov'; Senator Durbin, Senator Obama, Congressman Manzullo

Reference:

WT Docket No. 04-140, also known as "FCC Omnibus Amateur Radio Report and order";

FCC 06-149 (66460 Federal Register / Vol. 71, No. 220 / Wednesday, November 15, 2006 / Rules and Regulations)

Dear Chairman Martin, Commissioner Copps, Commissioner Adelstein, Commissioner Tate, and Commissioner McDowell,

I call your attention to a situation that has specific impact upon many public and private agencies and their ability to communicate in emergencies, and to the individuals of the amateur radio service. I urge your prompt action to correct it.

Among other changes to the FCC rules governing the amateur radio service, the referenced rules change the definitions of "data" emissions permissible for use on the amateur radio bands. In making the change, the FCC has made illegal, a handful of popular data transmission protocols that have high importance in emergency communications, and which have served an important role in amateur radio communications. Specifically, it limits the occupied bandwidth of J2D data signals to 500Hz. This makes illegal the J2D emissions of the Pactor 3 protocol (at 2400Hz bandwidth), Olivia, 1200-baud packet, Q15X25, MT63 and Clover 2000.

The impact is horrific. One example, the Pactor 3 protocol currently carries more radio email volume than all other means of data transmission in all of amateur radio, combined. It is supported by the Winlink 2000 system which has provided essential communications in countless disasters, finding missing and distressed vessels at sea for the US Coast Guard, and daily communications of weather and safety information for over 8,000 vessels at sea. Amateur radio operators use the Pactor 3 protocol and

Winlink to provide radio email, the last-option solution to emergency communications, and are directly supported by emergency management agencies across the nation.
Their investments in Pactor 3 equipment are made worthless.

Regarding Winlink and Pactor 3, one can only imagine the tragic consequences of learning the valuable lessons of Katrina only to eliminate the very system and resource values cited in the report ("A Failure of Initiative", http://katrina.house.gov) that contributed to saving lives.
A mass casualty event that would follow without this capability would be difficult to explain in the next congressional investigation.

I personally rely on Pactor 3 and Winlink to supply communications as a volunteer for the International Health Service. It provides clinics across remote regions of Honduras, provides healthcare to thousands of indigenous people and regularly saves lives. I am also a member of the Salvation Army, and a regulat participant in their Emergency Disaster programs. I am also a member of the Coast Guard Aux., and all 3 of these services need good reliable communication, and during times of great Disaster's, they need a lot of it. Radio email using Pactor 3 is the main means the International Health service communications for logistics and medical consultations among twelve remote teams and stateside medical resources. If US gateway stations are limited by this FCC action, this means of efficient communications will be lost to us, with unthinkable impact. I am sure I need not tell you what the Salvation Army, or Coast Guard need!

Further, the FCC action contradicts the basis and purpose of the Amateur Radio Service. The ability of the Service to support several principles given for its existence in FCC part 97 are directly limited. Specifically, the ability to provide emergency communications, contribute to the advancement of the radio art, and provide advancing skills in both the communications and technical phases of the art are attacked and lessened significantly. Most of today's technical achievements are digital in nature.
(See FCC Part 97.1(a),(b) and (c)).

Mr. William Cross of the FCC Wireless Telecommunications Bureau admits that J2D was added to a list of emissions with the 500 Hz restriction by an "inadvertent error." This was supposed to be an attempt to redefine IMAGE emissions from analog to digital, but by "redefining data" they made the error and "inadvertently included J2D." Nothing was accomplished in an attempt to make a change before the Report and Order was officially published. There has been no word of any timeframe for a correction.

With all urgency, please press for an immediate correction. The regulations take effect on December 15th of this year. Delays will severely affect our public safety and the welfare of many private citizens.

Thank you.

Paul Plasters

Amateur Radio Station K9PEP

Background:

Prior to issuance of the final Report and Order (R&O), the FCC stated in the preliminary R&O that all currently authorized data modes would be permitted.
FCC-06-149, page 12, paragraph 19 (adopted October 4, 2006, released October 10, 2006) states: "ARRL also requests that we not impose a 500 Hz bandwidth limitation in the definition of data emissions, arguing that this limitation would have unintended consequences because the limitation also applies to amateur service bands in which a higher symbol rate or bandwidth is permitted.[87] We understand ARRL's concern, but we note that eliminating or relaxing the bandwidth limitation would de facto eliminate the separation of narrow bandwidth and wide bandwidth emissions.[88]
We believe that separation of emission types by bandwidth is accepted in the amateur service as a reasonable means to minimize interference on shared frequencies and bands [89] and, therefore, we will not replace the 500 Hz bandwidth limitation with a 3 kHz bandwidth limitation.
To accommodate the concern raised by ARRL, however, we will revise our rules to clarify that the 500 Hz limitation applies only to the emission types we are adding to the definition of data when transmitted on amateur service frequencies below 30 MHz.
By amending the rule in this manner, the 500 bandwidth limitation will not apply to other data emission types or amateur service bands in which a higher symbol rate or bandwidth currently is permitted.[90] "
(Emphasis added)

When the R&O was published in the Federal Register, this critical language had mysteriously disappeared.
The impacts of this omission affect not only hundreds of amateurs who have purchased now unusable modems (at a cost exceeding $1,000.00 each) from their own pockets, but also hundreds of government and non-government organizations who have designed critical Emergency Management Communications (EMCOMM) Plans around the use of these modems.

The published R&O limits data and image transmissions to a 500 Hz bandwidth, which drastically limits the data rates that can be supported. That, in turn, requires a transmission to be many times longer to pass the same information - thus occupying a frequency for a much longer time, and preventing other messages from being passed. The modems / protocols that are impacted by the omission are also narrowband, as they use only a portion of a single voice channel (2.8 kHz or 3.0 kHz). In the widest case, they occupy a 2400 Hz (2.4 kHz) bandwidth. I might add, that an average voice channel occupies about 3,000 Hz, 6 times the mode in question.

Essentially, amateur radio is being denied the ability to advance the state of a vital portion of the radio art and the ability to perform vital emergency and/or disaster communications. Both of these are critical reasons (see Part 97, FCC Rules) for the establishment of the

service. The availability of a modem designed by an amateur radio operator that provides near MIL-STD-188-110A performance for less than $1100.00 (versus about $20,000 for the MIL-STD modem) is a testament to the ability of amateur radio operators to advance the state of the art. The number of amateur radio operators who have responded to every disaster since the establishment of the service is a testament to the viability of the resource. The fact that amateur radio operators have shown the ability to establish and maintain functioning communications when the commercial services fail is a testament to the training, skills, and experience of the operators.

There is no technical reason that justifies the 500 Hz limitation. There are a multitude of technical reasons that the limit for at least some forms of HF data should be the width of a single voice channel. There is a clear moral reason (i.e., do what you clearly said that you would do) why the original language should be restored.

The Will of God, will never take you to -
where the Grace of God,will not protect you.
Paul Plasters HAM callsign K9PEP
residing in Rockford, IL.
1996 Harley Davidson with Champion Sidecar
Ham Radio on board, 160M. through 70CM.
Coast Guard AUX., 09W-06-01-1211529 active
my home gps location 4213.22.06 N, 089.03.50W
my IL/WIMARC page http://www.angelfire.com/sports/MARC
my personal page http://www.plasters.islucky.com
my SATERN page http://www.angelfire.com/il2/saternrockford/
Semper Paratus

May God help us see the opportunities that are always around us to do good. Going to church doesn't make you a Christian any more than standing in your garage makes you a car.
